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COPY MAILED

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In re Application of
Matsumito
Application No. 10/727,662
Filed: December 5, 2003
Attorney Docket No. F00ED0150-DIV
For: SEALING APPARATUS FOR
SEMICONDUCTOR WAFER, MOLD OF
SEALING APPARATUS, AND
SEMICONDUCTOR WAFER

OFFICE OF PETITIONS
DECISION ON
PETITION

This is a decision on the petition under 37 CFR 1.53(e), filed February 4, 2004, requesting that Figures 3 and 4 be accorded a filing date of December 5, 2003.

The application was filed on December 5, 2003. On January 26, 2004, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s) in a Nonprovisional Application" (Notice) informing petitioner that Figures 3 and 4, as described in the specification, appeared to have been omitted.

Petitioner requests that Figures 3 and 4 be accorded a filing date of December 5, 2003 on the basis that 14 sheets of drawing figures, including Figures 3 and 4, were received in the Patent and Trademark Office (PTO) on December 5, 2003. In support, the instant petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination date stamp citing December 5, 2003 as the date of receipt. The postcard lists, *inter alia*, that the filing included 14 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 14 sheets of drawing figures were filed on December 5, 2003. MPEP 503. A review of the application file reveals that there are 13 sheets of drawing figures present. The missing sheet of drawings corresponds to that which would have contained Figures 3 and 4.

Accordingly, the petition under 37 CFR 1.53(e) is **GRANTED**. Pursuant to petitioner's authorization, the \$130.00 petition fee will be credited to deposit account no. 50-0945.

The application is being returned to Office of Initial Patent Examination for further processing,

with a filing date of **December 5, 2003**, using the copy of Figures 3 and 4 submitted with the instant petition. Office records will be corrected to show that 14 sheets of drawings were present on initial filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

A handwritten signature in black ink, appearing to read "E. Shirene Willis". The signature is written in a cursive, flowing style.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions